

REMARKS

This application has been reviewed in light of the Final Office Action of August 29, 2008 and the Advisory Office Action of December 15, 2008. Claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 are presented for examination, with Claims 1 and 13 being in independent form. Claims 1 and 13 have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

The Office Action states that Claims 1, 4, 6-7, 9-10, 12-13, 16, 18-19, 21-22 and 24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,220,501 (*Lawlor et al.*), in view of U.S. Patent No. 4,864,497 (*Lowry et al.*), U.S. Patent No. 4,321,672 (*Braun et al.*) and Official Notice. Applicants respectfully traverse this rejection and submit that amended independent Claims 1 and 13, together with the remaining claims dependent thereon, are patentably distinct from the prior art for at least the following reasons.

On page 3, the Office Action states:

Lawlor et al. does not teach: receive the payment request from a payor computing device over the computer network, the payment request being associated with a transaction between the payor and a payee; associated with an account of the payor; to the payee by the payee in satisfaction of the transaction; and a request translation software operative to: translate the request; the ATM control server operative to generate payment instructions and a PIN code;

August 29, 2008 Office Action at p. 3 (emphasis added).

The Office Action then looks to *Lowry et al.* to teach the features of “a request translation software operative to: translate the request.” As previously discussed in the Request for Reconsideration of December 1, 2008, Applicants maintain that *Lowry et al.* fails to teach or reasonably suggest those translation features of the claimed invention,

which the Office Action admits *Lawlor et al.* fails to teach. Nonetheless, solely in an attempt to advance prosecution, Applicants have further amended the translation features of Claim 1 to include selecting the native format of the ATM control server based on a data code included in the payment request which indicates the destination ATM terminal type.

Particularly, amended independent Claim 1 recites, in part, that the request translation software is operative to “receive the payment request, wherein the payment request includes a data code indicating a type of automated teller machine corresponding to an automated teller machine receiving the payment request,” and operative to “translate the payment request into a native format of an automated teller machine control server, wherein the native format of the automated teller machine control server is selected from a plurality of native formats based on the data code.” At the very least, Applicants have found nothing in *Lowry et al.* to teach or reasonably suggest these amended features.

As best understood by Applicants, the “retrieval program” of *Lowry et al.*:

translates a request into an appropriate format and searches through [a] slave database 520 until the specified attribute data object is located. Once the specified attribute data object is located, retrieval program 580 obtains copies of all of the attribute data objects which are held by that specified data object.

Lowry et al., Col. 9, lines 62-65 (emphasis added).

Accordingly, nothing in *Lowry et al.* translates a request into a native format based on a data code included in the request, much less selecting the native format of a particular control server based on a destination terminal type of the request.

Furthermore, nothing has been found in *Lowry et al.* that would teach, suggest, or otherwise result in “request translation software operative to: receive the payment request, wherein the payment request includes a data code indicating a type of

automated teller machine corresponding to an automated teller machine receiving the payment request, [and] translate the payment request into a native format of an automated teller machine control server, wherein the native format of the automated teller machine control server is selected from a plurality of native formats based on the data code . . . ,” as recited by amended Claim 1 (emphasis added).

A review of *Lawlor et al.* and *Braun et al.* has failed to reveal anything that, in Applicants’ opinion, would remedy the deficiencies of the art discussed above, as applied against the claims herein.

For at least these reasons, Applicants submit that the Office cannot sufficiently establish a *prima facie* case of obviousness against amended Claim 1 in view of the cited art, and that the various proposed combinations of *Lawlor et al.*, *Lowery et al.*, *Braun et al.*, and other concepts alleged by the Office to be well known at the time of Applicants’ invention, even if deemed legally permissible or technically feasible, would fail to arrive at the system of amended Claim 1.

Accordingly, the rejection under 35 U.S.C § 103(a) is believed obviated, and its withdrawal is respectfully requested.

Independent Claim 13 is a method claim reciting features similar to those discussed above in connection with Claim 1. Accordingly, Claim 13 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an

additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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